**THE HON'BLE SRI JUSTICE GODA RAGHURAM**

**W.P.NO. 5667 OF 2006**

**DATED: 7.6.2007**

Between:

The Uravakonda Women Weavers Cooperative P & S Society, rep. By its President K.Lakshmi Devi

… Petitioner

and

The Assistant Director, Handlooms and Textiles, Anantapur and another

….Respondents

**THE HON'BLE SRI JUSTICE GODA RAGHURAM**

**W.P.NO.5667 OF 2006**

**ORAL ORDER:**

By proceedings dated.07-01-2006 (impugned proceedings) the 2nd respondent rejected the proposal for registration of an amendment to the bye-laws of the petitioner-society.

The petitioner, the Uravakonda Women Weavers Cooperative Production and Sales Society was registered in the year 2000, under the provisions of the A.P. Cooperative Societies Act,1964( for short "the Act"). As per the original bye-laws the society shall comprise exclusively of women weavers. At that point of time the Project Director, District Women and Child Development Agency, Anantapur was the functional Registrar under the provisions of the Act. The Women and Child Development Agency however could not fund the petitioner-society and the petitioner-society found it difficult to continue its cooperative activities on account of its exclusive gender composition.

In the year 2005 the society was re-registered and came under the administrative control of the respondent No.2 and the 2nd respondent is stated to have become the functional Registrar in respect of the petitioner-Society.

In a general body meeting dated.16-12-2005 the society unanimously resolved to amend its bye-laws seeking change of name and for enabling men weavers also to be admitted to the society. After resolutions were passed proposing amendment of

bye-law Nos.1, 2, 5 and 6 of the Society, the Society sent the proposed amendments to the 2nd respondent for registration of these amendments. The 2nd respondent by the impugned order declined registration and that is the provocation for the writ petition.

The 2nd respondent recorded that the society was initially registered during the International Women's year with an intention to develop poor women handloom weavers and that the object of facilitating their welfare. According to the 2nd respondent since the petitioner now seeks to admit men also into the society the proposal and the amendments sought approval for are inconsistent with the original intention of the formation of the society.

Associational freedom of citizens is guaranteed under Article.19(1)(c) of the Constitution. Even a legislation seeking to impact or circumscribe this associational freedom will have to confirm of the requirements of Article.19(4). Article.19(4) enables or legitimizes only such laws as impose or enable the State to impose reasonable restrictions on the exercise of rights conferred by Article.19(1)(c) in the interest of the sovereignty and integrity of India or public order or morality. Admission of men weavers into the petitioner-society does not appear nor is contended to be inimical to the interest of the sovereignty and integrity of India, public order or morality. The associational freedom/choice of the petitioner to admit men into the society is therefore untrammeled and cannot be circumscribed by any permissible State regulation.

The objections recorded by the 2nd respondent in the impugned order are therefore misconceived and are so declared. The impugned order is set aside. The 2nd respondent

is directed to reconsider the proposal for amendment of the bye-laws of the petitioner-society and to pass appropriate orders thereon expeditiously and in any event within fifteen (15) days from the date of receipt of a copy of this order. The decision of the 2nd respondent shall be communicated to the petitioner within the aforesaid time.

The writ petition is accordingly allowed. There shall be no order as to costs.

**GODA RAGHURAM,J**

7th JUNE 2007
**TSNR**